



California Fair Political Practices Commission

October 28, 1985

David A. Quinn, Manager
Political Reform Audit Division
Franchise Tax Board
9750 Business Park Dr., Ste. 214
Sacramento, CA 95827

Re: Your Request For Advice
Our File No. A-85-208
Your File No. 344:DAQ:rk

Dear Mr. Quinn:

This is in response to your memorandum of October 8, 1985, requesting advice regarding lobbyist qualification pursuant to the Political Reform Act (Government Code Sections 81009-91015). Specifically, you asked how to apply the "compensation test" contained in FPPC regulation 2 Cal. Adm. Code Section 18239(b) to an attorney employed by a law firm. You provided an example in which the client of a law firm was billed \$3,000 for lobbying services for one month. The attorney who provided the services received \$1,400 in compensation attributable to lobbying.

Regulation Section 18239 states that an individual becomes a lobbyist if he or she engages in direct communication with qualifying officials for the purpose of influencing legislative or administrative action and "receives or becomes entitled to receive at least \$2,000 in compensation in any calendar month for influencing legislative or administrative action."

Using the above example, you would apply the compensation test to the amount of compensation which was received by the attorney who provided the lobbying services, not to the amount of money received by the law firm. Therefore, the attorney in question would not qualify as a lobbyist.

Finally, the exemption from qualification contained in Section 18239(b) for a full time employee engaged primarily to perform services other than lobbying does not apply to attorneys employed by a law firm.

I hope this information is helpful. Please let me know if I can be of assistance in the future.

Sincerely,

Carla Wardlow

Carla Wardlow
Political Reform Consultant

CW:kt

Memorandum

To : Carla Wardlow
Consultant, Technical Assistance
Fair Political Practices Commission

Date : October 8, 1985

File No.: 344:DAQ:rk

From : David A. Quinn

Subject: Compensation Test

We are requesting your advice on the following situation to determine if the individual qualifies as a lobbyist.

FACTS: A lawyer employed by a law firm has been engaged to do lobbying work for a client. During a month, the client is billed \$3000 for the lobbying services performed. The lawyer's compensation attributable to the lobbying work is \$1400 for the same period. The lawyer's total compensation per month is \$6500.

QUESTIONS: What income is to be used for the compensation test under regulation section 18239 for a lawyer employed by a law firm?

1. Is it the compensation the lawyer is receiving for performing the lobbying? or
2. Is it the income the client is paying the law firm for the lobbying service? and
3. Is he exempt from the full time employee portion of the test?

If you have any additional questions, please contact Sunny Jung or myself.



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